



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

THURSDAY, June 26, 1997

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Absent – Senators Moen – 1.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Darling led the Senate in the pledge of allegiance to the flag of the United States of America.

LEAVES OF ABSENCE

Senator Plache, with unanimous consent, asked that Senator Moen be granted a leave of absence for today's session.

Senators Rude, Risser and Schultz, with unanimous consent, introduced Mr. Sheng-tsung Yang, Director General of the Chicago Consulate of the Republic of China on Taiwan, his wife Esther Sheng-tsung Yang, Mr. Phillip Lee, Director, Service Division of the Consulate, and Ms. Karen Piele, Project Manager, Taiwan Trade Center in Chicago.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 250

Relating to: uniform fees chargeable for certified duplicate health care records and granting rule-making authority.

By Senators Decker and Moen; cosponsored by Representatives Kreuser, Albers, Ziegelbauer, Staskunas, Johnsrud and Ott.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

Senate Bill 251

Relating to: the operating privilege of an underage person convicted of certain alcohol-related offenses.

By Senators Darling, Grobschmidt, Farrow, Rosenzweig, Panzer and Roessler; cosponsored by Representatives Kaufert, Ward, Jeskewitz, Gunderson, Reynolds and Nass.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

PETITIONS AND COMMUNICATIONS

State of Wisconsin Ethics Board

June 25, 1997

To the Honorable the Senate:

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Big Esox Inc

Subject(s): Monitor and influence legislation and administrative rules that have the potential to effect the operation or value of investments made in

Petersen, Eric

Brown & Williamson Tobacco Corporation

Subject(s): All legislation and rules involving tobacco, taxation and marketing.

Hilbert, Lisa

Jentz, Robert

River Alliance of Wisconsin

Subject(s): State legislation and administrative rules relative to the use, management and protection of Wisconsin's rivers and streams.

Johnson, Sara

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

Amusement and Music Operators, Wisconsin

Brown, George

MCI Telecommunications Corp

Brown, George

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD
Executive Director

**State of Wisconsin
Legislative Audit Bureau**

June 24, 1997

The Honorable, The Senate:

We have completed financial audits of the Mendota and Winnebago Mental Health Institutes for fiscal year 1995-96. We were able to provide unqualified opinions on the Institutes' financial statements. However, we noted that on an accrual basis, Mendota Mental Health Institute had a loss of over \$836,000 and Winnebago Mental Health Institute had a loss of over \$3 million. In addition, the Institutes combined had a \$10.9 million unsupported cash deficit on June 30, 1996. Therefore, it appears the cash deficit will not be eliminated by July 1, 1999, as required by legislative mandate. However, a proposal to increase reimbursement for services provided to Medical Assistance patients is currently under legislative consideration. If enacted, the higher Medical Assistant revenues would help reduce the accumulated deficit.

Detailed copies of the audit report have been distributed to members of the Joint Audit Committee and those required by law to receive detailed copies. If you are interested in receiving a copy of the audit report, please contact our office and request a copy of report 97-10.

Sincerely,

DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

BUGHER, MARK, of Waunakee, as a member of the WI Advanced Telecommunications Foundation, to serve for the interim term ending May 1, 1998.

Read.

CEILLE, MONICA, of Wauwatosa, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 1998.

Read.

Confirmed.

CHIN, ED, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the interim term ending May 1, 1998.

Read.

DEJNO, BONNIE J., of Franklin, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the term ending May 1, 1999

Read

ENGELS, TOM, of Monona, as a member of the Pharmacy Internship Board, to serve for the interim term ending July 1, 2001.

Read.

FLAHERTY, TIMOTHY THOMAS, of Neenah, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the term ending May 1, 2003.

Read.

Confirmed.

GRABER, RICHARD W., of Shorewood, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the interim term ending May 1, 2002.

Read.

HAMBERGER, L. KEVIN, of Franklin, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1999.

Read.

HISE, ROD, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the term ending May 1, 2000.

Read.

HOTTER, SUZANNE S., of Watertown, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the interim term ending May 1, 1998.

Read.

HUBBELL, CHRIS L., of Eau Claire, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2000.

Read.

OLSON, NELDA JOY, of Ripon, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2001.

Read.

POPE, CAROL VOLLMER, of Brookfield, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 1998 and for the full term ending May 1, 2001.

Read.

SIKOWSKI, ILEEN, of Crivitz, as a member of the Judicial Commission, to serve for the interim term ending August 1, 1999.

Read.

SMITH, BILL G., of Middleton, as a member of the Prison Industries Board, to serve for the term ending May 1, 2000.

The ayes and noes were required and the vote was: ayes, 0; noes, 0; absent or not voting, 0; as follows:

SULLIVAN, MICHAEL J., of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2000.

Read.

TYLER, BIANCA S., of Amery, as a member of the Judicial Commission, to serve for the term ending August 1, 2000.

Read.

Senator George, with unanimous consent, asked that the Senate recess.

Senator Chvala objected.

Senator Ellis, with unanimous consent, asked that the Senate recess until 11:23 A.M..

11:13 A.M.

RECESS

11:23 A.M.

The Senate reconvened.
 Senator Risser in the chair.
 The question was: Confirmation of the appointments?
 The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:
 Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.
 Noes – None.
 Absent or not voting – Senator Moen – 1.
 Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 96–188
 Relating to the nonpoint source pollution abatement program.
 Submitted by Department of Natural Resources.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Agriculture and Environmental Resources**, June 26, 1997.

Senate Clearinghouse Rule 97–015
 Relating to sport fishing and fish refuges.
 Submitted by Department of Natural Resources.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Agriculture and Environmental Resources**, June 26, 1997.

Senate Clearinghouse Rule 97–017
 Relating to safe drinking water standards.
 Submitted by Department of Natural Resources.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Agriculture and Environmental Resources**, June 26, 1997.

Senate Clearinghouse Rule 97–018
 Relating to hunting and trapping.
 Submitted by Department of Natural Resources.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Agriculture and Environmental Resources**, June 26, 1997.

Senate Clearinghouse Rule 97–019
 Relating to hunting and trapping.
 Submitted by Department of Natural Resources.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Agriculture and Environmental Resources**, June 26, 1997.

Senate Clearinghouse Rule 97–044
 Relating to continuing education requirements for assessors.
 Submitted by Department of Revenue.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Economic Development, Housing and Government Operations**, June 26, 1997.

Senate Clearinghouse Rule 97–053
 Relating to review of plats.
 Submitted by Department of Revenue.
 Report received from Agency, June 24, 1997.
 Referred to committee on **Economic Development, Housing and Government Operations**, June 26, 1997.

The committee on **Insurance, Tourism and Rural Affairs** reports and recommends:

Senate Clearinghouse Rule 96–182
 Relating to minimum standards for life insurance policies sold to fund prearranged funeral plans.
 No action taken.

Senate Clearinghouse Rule 97–009
 Relating to life insurance illustrations.
 No action taken.

Roger Breske
 Chairperson

**State of Wisconsin
 Revisor of Statutes Bureau**

July 1, 1997
 To the Honorable, the Senate:
 The following rules have been published:

Clearinghouse Rules	Effective Date(s)
94–122	July 1, 1997
96– 7	July 1, 1997
96– 41	July 1, 1997
96– 42	July 1, 1997
96– 81	July 1, 1997
96–122	July 1, 1997
96–133	July 1, 1997
96–159	part effec. July 1, 1997
96–168	July 1, 1997
96–174	July 1, 1997
96–177	July 1, 1997
96–190	part effec. July 1, 1997
96–191	July 1, 1997
96–194	July 1, 1997
97– 4	July 1, 1997
97– 5	July 1, 1997

Sincerely,
 GARY L. POULSON
 Deputy Revisor

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 31
 Relating to: the requirements for receiving an automatic joint survivor death benefit under the Wisconsin retirement system.
 Read a second time.
 Ordered to a third reading.
 Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 31
 Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Moen – 1.

Passed.

Senate Bill 60

Relating to: income that may be retained by a medical assistance beneficiary who is in an institution.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 60** be referred to the Joint Committee on **Finance**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 60**.

Senate Bill 124

Relating to: the prohibition of obtaining title by adverse possession to real estate owned by a public body.

Read a second time.

Senate amendment 1 to **Senate Bill 124** offered by Senator Welch.

Senator Chvala, with unanimous consent, asked that **Senate Bill 124** be placed at the foot of the 11th order of business on the calendar of June 26, 1997.

Senate Bill 145

Relating to: increasing the limits, and authorizing occurrence or claims-made coverage, for health care liability insurance and granting rule-making authority.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 248** be withdrawn from the committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** and taken up at this time.

Assembly Bill 248

Relating to: increasing the limits, and authorizing occurrence or claims-made coverage, for health care liability insurance and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 248

Read a third time and concurred in.

Senate Bill 145

Relating to: increasing the limits, and authorizing occurrence or claims-made coverage, for health care liability insurance and granting rule-making authority.

Senator Chvala, with unanimous consent, asked that **Senate Bill 145** be referred to committee on **Senate Organization**.

Senate Bill 193

Relating to: criminal slander of title, civil slander of title, simulating legal process, falsely assuming to act as a public officer, public employe or utility employe, failing to file a statement terminating a security interest under a financing statement and providing penalties.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 193

Read a third time and passed.

Senate Bill 124

Relating to: the prohibition of obtaining title by adverse possession to real estate owned by a public body.

Senator Chvala, with unanimous consent, asked that **Senate Bill 124** be placed at the foot of the 12th order of business on the calendar of June 26, 1997.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 79

Relating to: hunting of antlerless deer by certain holders of certificates of accomplishment issued under the hunter education and firearm safety program.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 79

Read a third time and concurred in.

Assembly Bill 187

Relating to: the imposition of service charges for a storm water and surface water sewerage system.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 187**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 187

Concurred in as amended.

Senate Bill 124

Relating to: the prohibition of obtaining title by adverse possession to real estate owned by a public body.

Read a second time

Senate amendment 1 to Senate amendment 1 to **Senate Bill 124** offered by Senator Welch.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 124**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 124**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Rude, with unanimous consent, asked to be added as a coauthor of **Senate Bill 124**.

Senate Bill 124

Read a third time and passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Tuesday, July 1 at 10:00 A.M..

Adjourned.

12:05 P.M.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

1997 SENATE BILL 167

Prepared by the Legislative Reference Bureau
(June 25, 1997)

1. Page 7, line 22: delete “; 1986” and substitute “.1986”.
2. Page 7, line 23: delete “TO 1996” and substitute “TO 1996”.